

NINETEENTH DAY

(Thursday, February 7, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Roberts

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Reports of Standing Committees

Senator Lane submitted the following reports,

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 150, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 150 was read first time.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 94, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 93, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 166, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 77 was read the first time.

Senator Weinert submitted the following reports:

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 49, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 188, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Message from the House

Hall of the House of Representatives.

Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 96, A bill to be entitled "An Act amending Chapter 318, Acts of the Forty-first Legislature, Regular session, 1949, as amended by Chapter 324, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by Chapter 170, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended by Chapter 520, Acts of the Fifty-fourth Legislature, Regular Session, 1955; providing the duties of the Veterans' Land Board; providing for the bonds of the citizen Board members; providing the compensation of the citizen Board members; and declaring an emergency."

With amendments.

H. B. No. 4, A bill to be entitled "An Act to amend Section 177 of the Election Code of the State of Texas (Article 12.02 of Vernon's Texas Election Code); providing the manners of filling vacancies in the offices of United States Senator and Congressman-at-Large; and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act regulating the manufacture, sale, offering for sale, exposing for sale and distribution for sale of commercial feed as defined in this Act in this State; containing a short title; defining terms; regulating the manufacture, sale and distribution of "Customer-Formula Feed," "Special Formula Feed" and "Made To Order Feed," and defining these terms as being synonymous and as being Commercial Feed and exempting "custom-mixed" or "custom-milled" feeds as defined in the Act from the provisions of the Act; providing for the registration of all commercial feeds except customer-formula feed; providing for the labeling of commercial feed and prescribing the procedure for such labeling; levying an inspection fee; prescribing procedures and requirements for paying such fee; providing penalties for failure to pay the inspection fee; establishing the Feed Control fund and authorizing the expenditure of funds derived from the inspection fee; defining adulteration; defining misbranding; providing for inspection, sampling and analyses; defining the power and authority of the Director in the enforcement of the Act and authorizing the promulgation of rules and regulations pertaining thereto; providing for the detention, seizure, condemnation and disposi-

tion of commercial feed which does not conform to the provisions of the Act; prescribing unlawful acts; providing criminal penalties for violations of the Act or for conspiring to perform, performing or causing to be performed any acts declared by this Act to be unlawful; authorizing the Director to exercise discretion with respect to minor violations; providing for the publication of information relating to the production, use, and sale of commercial feed and the results of analyses of samples of commercial feeds as compared with the guaranteed analysis in the registration and on the label; providing for the handling of court costs pending on the effective date of this Act; providing for certain exemptions from the provisions of the Livestock Remedy Act; providing for appeal, repealing all prior and conflicting laws and specifically repealing Articles 1489 to 1498, inclusive, of Title 17, Chapter 13 of the Penal Code of the State of Texas (1925) as amended by Chapter 33, Acts of the 53rd Legislature, Regular Session (1953), and Articles 3872 to 3881d, inclusive, of the Revised Civil Statutes of Texas (1925) as amended by Chapter 14, Acts of the 40th Legislature, Regular Session (1927), Chapter 61, Acts of the 45th Legislature, 2nd Called Session (1937), Chapter 374, Acts of the 50th Legislature, Regular Session (1947), and Chapter 333, Acts of the 53rd Legislature, Regular Session (1953); containing a severability and saving clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 207, A bill to be entitled "An Act amending Section 4 of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Section 4 of Article 4590c, Vernon's Texas Civil Statutes), relating to organization, officers and compensation of the State Board of Examiners in the Basic Sciences; and declaring an emergency."

To the Committee on Public Health.

By Senator Willis:

S. B. No. 208, A bill to be entitled "An Act amending Section 5 of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Section 5 of Article 4590c, Vernon's Texas Civil Statutes), relating to fees payable to the State Board of Examiners in the Basic Sciences by applicants for certificates issued by the Board; and declaring an emergency."

To the Committee on Public Health.

By Senator Hudson:

S. B. No. 209, A bill to be entitled "An Act transferring a certain tract of land located on Brazos Island in Cameron County from the General Land Office to the Texas State Parks Board; reserving an easement to the Game and Fish Commission for the construction of a fish pass at Boca Chica Pass; making other provisions relating thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hudson:

S. B. No. 210, A bill to be entitled "An Act amending Chapter 314, General Laws of the 41st Legislature, Regular Session, as amended, by amending paragraph (e) of subsection (1) of Section 1a thereof, so as to clarify said paragraph (e), which excepts from the definition of "Motor Carrier" and "Contract Carrier," and exempts from the provisions of such Act, any person transporting fresh iced fish or shellfish under certain circumstances and conditions; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Transportation.

By Senators Fuller and Fly:

S. B. No. 211, A bill to be entitled "An Act creating a savings and loan division within and as a part of the Banking Department of Texas; specifying the composition of such division; authorizing the appointment of a savings and loan commissioner and savings and loan examiners, a deputy savings and loan commissioner, prescribing their qualifications, duties and compensation; abolishing the office of Building and Loan Supervisor; relieving the Banking Commissioner of certain duties; providing for hearing on certificates of authority to do business; fixing requirements for the operation of branches;

providing for appeals from acts of the Savings and Loan Commissioner; and declaring an emergency."

To the Committee on Banking.

By Senator Fuller:

S. B. No. 212, A bill to be entitled "An Act amending Chapter 370, Acts 53rd Leg., R. S. 1953, relating to Orange County Navigation and Port District of Orange County, Texas; providing that this Act shall not affect rights heretofore vested in or acquired by said District under said Chapter 370 prior to its amendment; validating said District and declaring it to be a validly existing and operating conservation and reclamation district under Sec. 59, Art. 16, Constitution of Texas, and validating (with certain exceptions) elections held in the District and acts and governmental proceedings of the Board of Commissioners of the District; finding that all property in District and in State of Texas is benefited by District and will be benefited by the improvements and facilities to be acquired or constructed under this Act; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Gonzalez:

S. B. No. 213, A bill to be entitled "An Act to authorize counties to establish the office of public defender; excepting counties of less than two hundred and fifty thousand (250,000) population; providing qualifications; providing for appointment; setting forth duties; providing for expenses and salary; providing for records and reports; making the Act cumulative; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 214, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act; repealing laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Wood:

S. B. No. 215, A bill to be entitled "An Act concerning branch banking, amending Article 3, Chapter IX of Chapter 97, Acts 48th Leg., 1943, which amended and replaced Revised Civil Statutes of Texas, 1925, Article 538 (and which is compiled as Tex. Civ. Stat. art. 342-903, Vernon, 1948), and declaring an emergency."

To the Committee on Banking.

By Senator Gonzalez:

S. B. No. 216, A bill to be entitled "An Act repealing Articles 319, 322, 327, 330 and 339 of the Penal Code of Texas, 1925; amending Articles 318, 321, 326, 329, 337 and 338 of the Penal Code of Texas, 1925; amending Chapter 23, Acts of the 43rd Legislature, 1934, Third Called Session, codified in Vernon's as Article 318a, Vernon's Texas Penal Code; amending S. B. 131, Acts of the 46th Legislature, Regular Session, 1939, General Laws, Chapter 5, codified in Vernon's as Article 353a, Vernon's Texas Penal Code as amended, relating to offenses of arrest and custody of prisoners and related offenses by changing the penalties; making other provisions relating thereto; providing a severability clause; providing a repealing clause and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 217, A bill to be entitled "An Act providing for additional compensation for the County Judge of Bexar County, Texas, for services rendered by him as a member of the Bexar County Juvenile Board; specifying the fund out of which such additional compensation shall be payable; providing that such additional compensation shall be in addition to all other salary or compensation now paid to said County Judge; providing that this Act shall be cumulative of all existing general laws of this State; and providing for the repeal of H. B. No. 377 of the Acts of the Regular Session, 54th Legislature, 1955; providing for a severance clause, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Bracewell:

S. B. No. 218, A bill to be entitled "An Act permitting the governing

body of any city to regulate, by ordinance, the hours which minors may be on the public streets and thoroughfares of such city, when not accompanied by his or her parent or guardian or an adult authorized by such parent or guardian, and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 91

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Marvin C. Culbertson and Mr. N. K. Hughes, prominent citizens of Vernon, Texas; and

Whereas, We desire to welcome these visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Resolution 92

Senator Hardeman offered the following resolution:

Be it resolved by the Senate of Texas, That the President of the Senate designate a Member of the Senate of Texas to read the Declaration of Independence adopted by "The Great Convention" at Washington-on-the-Brazos on March 2, 1836, at an appropriate time during the Session of the Senate on February 28, 1957.

The resolution was read and was adopted.

Senate Resolution 93

Senator Hardeman offered the following resolution:

Be it resolved by the Senate of Texas, That at such times as the Senate may direct there shall be prepared Local and Uncontested Bill Calendars, which Calendars shall be prepared by a Committee of five appointed by the Lieutenant Governor.

No bills or resolutions shall be placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where

the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three members present object to such consideration.

The calendar shall be placed on the desk of the Members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

The committee shall not consider any bills unless a printed copy of such bill or the bill itself is presented to the committee.

HARDEMAN
MARTIN

The resolution was read and was adopted.

Senate Joint Resolution 9 on Second Reading

Senator Hardeman moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. J. R. No. 9 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Krueger	Willis
Lane	Wood

Nays—1

Weinert

Absent

Kazen

Absent—Excused

Roberts

The President laid before the Sen-

ate on its second reading and passage to engrossment:

S. J. R. No. 9, Proposing an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of Five Members; prescribing their qualifications, election, tenure of office and compensation; and prescribing the term of court of said Court.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 9, Sec. 1, line 41, page 1, by striking out the word "four" and insert the word "two" therein, and by striking out the word "six" in line 42 of Sec. 1, page 1, S. J. R. No. 9, and inserting the word "four."

The amendment was adopted.

The resolution as amended was passed to engrossment by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Krueger	Willis
Lane	Wood

Nays—1

Weinert

Absent

Kazen

Absent—Excused

Roberts

Senate Joint Resolution 9 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on

three several days be suspended and that S. J. R. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Krueger	Willis
Lane	Wood

Nays—1

Weinert

Absent

Kazen

Absent—Excused

Roberts

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Weinert

Absent—Excused

Roberts

**Senate Bill 96 with
House Amendments**

Senator Moffett called S. B. No. 96 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Moffett, Martin, Hardeman, Krueger and Fuller.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 277, to Committee on State Affairs.

H. B. No. 140, to Committee on State Affairs.

H. B. No. 4, to Committee on Privileges and Elections.

H. B. No. 16, to Committee on Agriculture and Livestock.

**Senate Concurrent Resolution 21
on Second Reading**

Senator Kruger moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 21 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Fly
Ashley	Fuller
Bracewell	Gonzalez
Bradshaw	Hazlewood
Colson	Herring

Hudson	Phillips
Kazen	Ratliff
Krueger	Reagan
Lane	Secrest
Moffett	Smith
Moore	Weinert
Owen	Willis
Parkhouse	Wood

Nays—2

Hardeman	Martin
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Absent

Lock	Rogers
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Absent—Excused

Roberts

The President laid before the Senate on its second reading and passage to engrossment:

S. C. R. No. 21, Granting Texas Southeastern Gas Company permission to sue the State of Texas.

The resolution was read second time and was passed to engrossment.

**Senate Concurrent Resolution 21
on Third Reading**

Senator Kruger moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. C. R. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—2

Hardeman	Martin
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Absent—Excused

Roberts

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—2

Hardeman Martin

Absent—Excused

Roberts

Senate Resolution 94

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Dr. R. L. Daily and Dr. Mark E. Huff, eminent doctors of Wichita Falls, Texas; and

Whereas, We desire to welcome these guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Concurrent Resolution 9 on Second Reading

On motion of Senator Secrest and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

S. C. R. No. 9, Providing committee to select Poet Laureate and alternate Poet Laureate for State.

The resolution was read and was adopted.

Senate Resolution 95

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery the 12th Grade Class in American Government from McCallum High School in Austin accompanied by Jim Collins, sponsor; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mr. Collins to the Members of the Senate.

Senate Resolution 96

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. Sam Powell, Doyle McKinney and Morris Higley of Childress, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the floor for this day.

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bill 112 on Second Reading

Senator Weinert moved that regular order Senate Rules 116 and 38 and Section 5 of Article III of the State Constitution be suspended and

that S. B. No. 112 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Roberts

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 112, A bill to be entitled "An Act amending Section 1 of Article 2.07 of Chapter 491, Acts of the 52nd Legislature R. S. (1951), p. 868; known as the Insurance Code; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 112 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 112 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Ashley	Krueger
Bracewell	Lane
Bradshaw	Lock
Colson	Martin
Fly	Moffett
Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan

Rogers	Weinert
Secrest	Willis
Smith	Wood

Absent—Excused

Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Roberts

Senate Concurrent Resolution 26

Senator Willis by unanimous consent offered the following resolution:

S. C. R. No. 26, Granting Ernest O. McKinney et ux. permission to sue the State of Texas.

Whereas, On or about June 2, 1955, Ernest O. McKinney, with his wife Oma Inez McKinney, was driving his automobile in Fort Worth, Texas, and at or near the intersection of Clifford Street and Bomber Road in Fort Worth, at or about 3:20 p.m., his automobile collided with a Texas National Guard truck driven by Charles R. Tarr, who is alleged to have been authorized to operate such truck at such time and place; and

Whereas, It is alleged by Ernest O. McKinney and Oma Inez McKinney that the collision with the Texas National Guard truck at said intersection was caused by the negligence and carelessness of the driver of the Texas National Guard truck, Charles R. Tarr; and

Whereas, Ernest O. McKinney and Oma Inez McKinney allege that the State of Texas and the Texas Nation-

al Guard are liable for certain alleged damages sustained by Ernest O. McKinney and Oma Inez McKinney as a result of the collision with the said truck; and

Whereas, On the date of the collision the Texas National Guard had not been ordered into active Federal service but was under the jurisdiction of the State of Texas; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Ernest O. McKinney and Oma Inez McKinney of Tarrant County, Texas, be and they are hereby given and granted permission to sue the State of Texas and the Texas National Guard of the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas and the Texas National Guard are liable as a result of the collision, and further to determine what damage, if any, that Ernest O. McKinney and Oma Inez McKinney are entitled to recover from the State of Texas and the Texas National Guard by reason of any negligent or wrongful act committed by the State of Texas or any of its agencies or agents in connection with the collision; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Attorney General of the State of Texas and upon the Adjutant General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to Ernest O. McKinney and Oma Inez McKinney to bring suit against the State of Texas and the Texas National Guard. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which Ernest O. McKinney and Oma Inez McKinney seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas and the Texas National Guard may have shall be pleaded by them, and none of the defenses which the State of Texas or the Texas National Guard may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 7, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 25, Inviting Bobby Morrow to address a Joint Session of the Senate and House of Representatives at 10:45 A.M., February 12, 1957.

H. B. No. 90, A bill to be entitled "An Act relating to fishing in Laguna Madre in Cameron County; amending Section 4a of Chapter 119, Acts of the 53rd Legislature, Regular Session, 1953; repealing Chapter 155, Acts of the 52nd Legislature, 1951; and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act relating to the creation and designation of ground water conservation district No. 3, south of the Canadian River, and validating the creation and election confirming said district; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 263, A bill to be entitled "An Act authorizing the District Attorney of the 70th Judicial District to employ stenographers, assistants and investigators; prescribing their compensation, powers, duties, authority and method of employment; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

At Ease

The President at 11:28 o'clock a.m.,

announced that the Senate would stand at Ease for five minutes.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:40 o'clock a.m., today.

House Bills on First Reading

The following bills received from the House today were read first time and referred to the committees indicated:

H. B. No. 129, To the Committee on Water and Conservation.

H. B. No. 263, To the Committee on Counties, Cities and Towns.

H. B. No. 90, To the Committee on Game and Fish.

House Concurrent Resolution 25 on Second Reading

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 25, Providing for Joint Session to hear an address by Bobby Morrow on Tuesday, February 12, 1957.

The resolution was read second time.

On motion of Senator Ratliff and by unanimous consent the resolution was considered immediately and was adopted.

Message from Governor

The following emergency message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,
February 7, 1957.

To the Senate of the Fifty-fifth Legislature:

By a vote of 103 to 46, the House of Representatives has passed H. B. 4, which provides for a majority vote in the selection of certain public officials in special elections.

Under the authority granted to the two Houses under Section 5 of Article III of the Constitution to set aside, by a four-fifths vote, the order of business of a regular session as described therein, the House of Representatives has set its order of busi-

ness to be as described in the House Rules. The Senate has not so voted.

Therefore, the Governor's submission of the subject as an emergency is the only way in which this bill can be passed by the Senate by less than a four-fifths vote during the first sixty-day period.

Because the question of whether a majority of the people, rather than a minority, shall select their officials as provided in this bill is important to the welfare of Texas and should be decided without delay, I hereby submit the matter for emergency consideration in accordance with Section 5 of Article III of the Constitution of the State of Texas.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

Adjournment

On motion of Senator Hardeman the Senate at 11:45 o'clock a.m. adjourned until 10:30 o'clock a. m. Monday, February 11, 1957.

TWENTIETH DAY

(Monday, February 11, 1957)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of